

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

SARAH PEITZ,

Plaintiff,

V.

**REPUBLIC EES, LLC D/B/A
REPUBLIC SERVICES ENERGY
SERVICES/REPUBLIC ENERGY AND
ENVIRONMENTAL SOLUTIONS,**

Defendant.

C.A. No. 7:22-cv-00257-DC-RCG

DEFENDANT’S MOTION TO AMEND THE SCHEDULING ORDER

Defendant Republic EES, LLC d/b/a Republic Services Energy Services/Republic Energy and Environmental Solutions files this Motion to Amend the Scheduling Order and in support states the following:

1. The Court previously entered a Scheduling Order on January 17, 2023. ECF. No. 10. In that Scheduling Order, the Court ordered that all discovery must be completed on or before June 15, 2023, and all dispositive motions must be filed on or before July 15, 2023. *Id.*
2. On May 8, 2023, Defendant filed a Motion to Compel. ECF No. 11. In its Motion, Defendant explained to the Court that Plaintiff has failed to respond to the discovery requests propounded by Defendant and further failed to serve her initial disclosures in accordance with the service deadline, frustrating Defendant's ability to conduct discovery in this matter. *See id.*
3. On June 2, 2023, the Court granted Defendant's Motion to Compel and ordered Plaintiff to respond to Defendant's first set of discovery requests and provide her initial disclosures by June 16, 2023. ECF No. 12.

4. Because Plaintiff's refusal to engage in discovery has prevented Republic from conducting discovery in this matter, Defendant respectfully requests an extension of the discovery deadline and the dispositive motions deadline in the Court's January 17, 2023 Scheduling Order by six months. This is the first request Defendant has made in this matter for an extension of the deadlines the Scheduling Order.
5. Specifically, Defendant requests that the deadline for completion of discovery be extended until December 15, 2023, and that the deadline for the filing of dispositive motions be extended until January 15, 2024. Because such extensions would conflict with the current dates for the Final Pretrial Conference and trial, Defendant further requests the Court reset the Final Pretrial Conference and trial dates.
6. On June 13, 2023, Defendant attempted to confer with Plaintiff on the substance of this Motion, by sending an email to Plaintiff's counsel inquiring as to whether they oppose the relief sought in this Motion. As of this filing, Plaintiff has not responded to Defendant's attempt to confer.
7. This request is not brought for purposes of delay or prejudice, but so that justice may be served.
8. In light of the foregoing, Defendant respectfully requests this Court to grant its Motion, and enter Defendant's Proposed Amended Scheduling Order, attached hereto as Exhibit A.

Dated: June 14, 2023.

Respectfully submitted,

/s/ Nicole S. LeFave

Nicole S. LeFave
Texas Bar No. 24085432
LITTLER MENDELSON, P.C.
100 Congress Avenue
Suite 1400
Austin, TX 78701
512-982-7250 (Telephone)
512-982-7248 (Facsimile)
nlefave@littler.com

Owen T. Hill (admitted *pro hac vice*)
Georgia Bar No. 354393
Amanda L. Trull (admitted *pro hac vice*)
Georgia Bar No. 396261
LITTLER MENDELSON, P.C.
3424 Peachtree Rd., NE, Suite 1200
Atlanta, GA 30326
404.233.0330 (Telephone)
404.233.2361 (Facsimile)
ohill@littler.com
atrull@littler.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF CONFERENCE

On June 14, 2023, Republic's counsel attempted to reach Plaintiff's counsel, regarding Republic's Motion to Amend the Scheduling Order. Because we have received no response from Plaintiff's counsel, Republic presumes Plaintiff is opposed to the requested relief.

/s/ Nicole S. LeFave

Nicole S. LeFave

CERTIFICATE OF SERVICE

On the 14th day of June, 2023, I electronically submitted the foregoing document with the Clerk of the Court using the Electronic Case Filing system of the Court. I also certify that I have served all parties of record via e-mail as follows:

Alfonso Kennard, Jr.
Kennard Law P.C.
5120 Woodway Dr. Suite 10010
Houston, Texas 77056
Alfonso.Kennard@kennardlaw.com

Samantha Cobb
Kennard Law P.C.
5120 Woodway Dr. Suite 10010
Houston, Texas 77056
Samantha.Cobb@kennardlaw.com

/s/ Nicole S. LeFave

Nicole S. LeFave